



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|------------------------|
| 10/664,293 | 09/17/2003 | Ciprian Agapi | BOC9-2003-0062 (435) | 4561 |
| 40987 7590 04/05/2007 AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188 | | | EXAMINER MUHEBBULLAH, SAJEDA | |
| | | | ART UNIT 2174 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS | | | MAIL DATE 04/05/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/664,293

Applicant(s)

AGAPI ET AL.

Examiner

Sajeda Muhebbullah

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8 and 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment filed 1/18/2007.
2. Claims 1-2, 4-8 and 10-16 are pending in this application. Claims 1-2, 4, 7, 10 and 14 have been amended and claims 3 and 9 are cancelled. This action is made Final.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5-6 and 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 5-6 and 15-16 recite the limitation "second criteria" in lines 1 and 2 respectively. There is insufficient antecedent basis for this limitation in the claim. Appropriate corrections are required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4, 6-8, 10, 12-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary et al. ("O'Leary", US 5,867,162) in view of Siefert et al. ("Siefert", US 5,726,688).

As per claim 1, O'Leary teaches a method of arranging user-modified variable names in a presentation list (O'Leary, Fig.3; col.2, lines 28-31), comprising the steps of:

receiving a system request to display variables in the presentation list (O'Leary, Fig.3, *list 300*; col.3, lines 28-29, *clicking File option displays presentation list*);

sorting the variables by giving user-named variables (O'Leary, Fig.3, *items in region 308*) greater priority over system-named variables (O'Leary, Fig.3, *items in region 304*) and then sorting by a second attribute (O'Leary, Fig.3; col.4, lines 41-56); and

simultaneously presenting the user-named variables and system-named variables (O'Leary, Fig.3, *list 300*), wherein presentment of the user-named variables and system-named variables comprises at least one of presenting each of the user-named variables in a first region of the list (O'Leary, Fig.3, *region 308*) and each of the system-named variables in a second region of the list (O'Leary, Fig.3, *region 304*).

However, O'Leary does not teach the regions to be distinct and does not teach presenting the user-named variable in a first format and the system-named variables in a second format distinct from the first format. Siefert teaches a method of arranging variables names in a presentation list wherein there exist two distinct regions, the first region names displayed in a format different from the second region names (Siefert; Fig.5, col.3, lines 57-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Siefert's teaching with O'Leary's method in order to visually distinguish between the variables.

As per claim 2, O'Leary teaches the method, wherein the method further comprises the step of displaying the variables when a user selects the variables using a drop-down control (O'Leary, Fig.3, *clicking File drop-down control displays variables*).

Art Unit: 2174

As per claim 4, Siefert teaches the method, wherein the step of distinguishing is accomplished using at least one among labeling and text formatting (Siefert, Fig.5, col.3, lines 57-64).

As per claim 6, O'Leary teaches the method, wherein the second criteria is a chronological order (O'Leary, col.1, lines 38-43; col.3, lines 42-45).

Claims 7 and 14 are similar in scope to claim 1, and are therefore rejected under similar rationale.

Claim 8 is similar in scope to claim 2, and is therefore rejected under similar rationale.

Claim 10 is similar in scope to claim 4, and is therefore rejected under similar rationale.

Claims 12 and 16 are similar in scope to claim 6, and are therefore rejected under similar rationale.

As per claim 13, O'Leary teaches the system, wherein the presentation list is at least one among a drop-down list and a list box (O'Leary, Fig.3, *drop-down list 300*).

8. Claims 5, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary et al. ("O'Leary", US 5,867,162) and Siefert et al. ("Siefert", US 5,726,688) and further in view of Blum et al. ("Blum", US 6,901,559).

As per claim 5, the method of O'Leary and Siefert teaches the method wherein the second criteria is a chronological order (O'Leary, col.1, lines 38-43; col.3, lines 42-45).

However, the method of O'Leary and Siefert does not teach the criteria to be alphabetical order.

Blum teaches a method of arranging variables in a list wherein the list is arranged in alphabetical order (Blum, col.6, lines 1-10). It would have been obvious to one of ordinary skill in the art at

Art Unit: 2174

the time of the invention to include Blum's teaching with the method of O'Leary and Siefert in order to organize the list for quickly locating items in the list.

Claims 11 and 15 are similar in scope to claim 5, and are therefore rejected under similar rationale.

Response to Arguments

9. Applicant's arguments in Amendment filed 1/18/2007 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2174

Communications

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (571) 272-4065. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sajeda Muhebbullah

Patent Examiner
Art Unit 2174

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100